



## FISCAL MEMORANDUM

### HB 1475 - SB 1348

March 6, 2023

**SUMMARY OF BILL AS AMENDED (004976):** Increases, from 30 days to 90 days, the mandatory minimum period of incarceration for the Class E felony offense of evading arrest.

Increases, from 60 days to 120 days, the mandatory minimum period of incarceration for the Class D felony offense of evading arrest, if the offense creates a risk of death or injury to innocent bystanders, pursuing law enforcement officers, or other third parties.

### FISCAL IMPACT OF BILL AS AMENDED:

#### Increase State Expenditures – \$829,700 Incarceration

Assumptions for the bill as amended:

- Based upon information provided by the Department of Correction (DOC), there has been an average of 84.7 admissions per year over the last 10 years for the Class E felony offense under Tenn. Code Ann. § 39-16-603(d)(2)(A) for evading arrest.
- The proposed legislation increases the mandatory minimum period of incarceration, from 30 days to 90 days.
- After adjusting for pre-trial jail credits, the average time served for evading arrest is 0.54 years.
- While the proposed legislation establishes mandatory minimum sentences, this analysis assumes that the offender will serve the established average sentence length.
- In addition, there has been an average of 113.1 convictions for evading arrest in each of the last 10 years where the offender received an average of 11.37 days of pretrial jail credits before being sentenced to probation or community supervision.
- This analysis assumes individuals convicted of a Class E felony offense of evading arrest will serve 78.63 additional days (90-11.37) incarcerated under the proposed legislation.
- Since offenders are housed in local jail while awaiting trial, it is reasonably assumed these individuals will remain in a local facility to serve the 78.63 additional days, as opposed to being transported to a state facility.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.96 percent per year (from 2018 to 2021).
- The weighted average operational costs per inmate per day are estimated to be \$50.63 for inmates housed at state facilities and \$52.11 for inmates housed at local facilities.

- The estimated increase in incarceration costs is estimated to be the following over the next three-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 463,400	FY23-24
\$ 467,900	FY24-25
\$ 472,400	FY25-26

- Pursuant to Public Chapter 1007 of 2022, recurring costs increases are to be estimated on the highest of the next three fiscal years; therefore, the recurring increase in incarceration costs associated with Class E felony evading arrest will be \$472,400.
- Based upon information provided by the DOC, there has been an average of 80.6 admissions per year over the last 10 years for the Class D felony offense under Tenn. Code Ann. § 39-16-603(d)(2)(B) for evading arrest that creates a risk of death or injury to innocent bystanders, pursuing law enforcement officers, or other third parties.
- The proposed legislation increases the mandatory minimum period of incarceration, from 60 days to 120 days.
- After adjusting for pre-trial jail credits, the average time served for evading arrest that creates a risk of death or injury is 0.88 years.
- While the proposed legislation establishes mandatory minimum sentences, this analysis assumes that the offender will serve the established average sentence length.
- In addition, there has been an average of 65.9 convictions for evading arrest that creates a risk of death in each of the last 10 years where the offender received an average of 17.92 days of pretrial jail credits before being sentenced to probation or community supervision.
- This analysis assumes individuals convicted of a Class D felony offense of evading arrest will serve 102.08 additional days (120-17.92) incarcerated under the proposed legislation.
- It is reasonably assumed these individuals will remain in a local facility to serve the 102.08 additional days, as opposed to being transported to a state facility.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.96 percent per year (from 2018 to 2021).
- The weighted average operational costs per inmate per day are estimated to be \$50.63 for inmates housed at state facilities and \$52.11 for inmates housed at local facilities.
- The estimated increase in incarceration costs is estimated to be the following over the next three-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 350,500	FY23-24
\$ 353,900	FY24-25
\$ 357,300	FY25-26

- Pursuant to Public Chapter 1007 of 2022, recurring costs increases are to be estimated on the highest of the next three fiscal years; therefore, the recurring increase in incarceration costs associated with Class D felony evading arrest that creates a risk of death will be \$357,300.
- The total recurring increase in incarceration costs will be \$829,700 (\$472,400 + \$357,300).
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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